

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

STEVEN HAYES, §
Petitioner, §
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versus § CIVIL ACTION NO. 1:18-CV-116
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DIRECTOR, TDCJ-CID, §
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Respondent. §

**MEMORANDUM ORDER PARTIALLY ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Steven Hayes, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges a prison disciplinary conviction.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge concerning this matter. The magistrate judge recommends that the petition be denied.

The court has received the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Petitioner filed what he styles as an “Objection” to the Report and Recommendation. However, petitioner does not object to the dismissal of his action. Instead, after correctly asserting the Report and Recommendation misstated the disciplinary regulation he was convicted of violating, he asks that the petition be withdrawn because his disciplinary conviction has been overturned. The court will construe petitioner’s “Objection” as a motion for voluntary dismissal and grant the motion.

ORDER

Accordingly, petitioner's motion for voluntary dismissal is **GRANTED**. The report of the magistrate judge is **ADOPTED** insofar as it recommends dismissal of the petition. A final judgment will be entered dismissing the petition pursuant to Federal Rule of Civil Procedure 41(a).

SIGNED at Beaumont, Texas, this 22nd day of June, 2018.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE